

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:08-cv-565

ASHLEY TERRELL BROOKS )

v. )

UNITED STATES OF AMERICA )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** comes before the Court upon Petitioner's motion for a certificate of appealability, pursuant to 28 U.S.C. § 2253(c). (Doc. No. 22).

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (when relief is denied on procedural grounds, petitioner must establish both that dispositive procedural ruling is debatable, and that petition states a debatable claim of the denial of a constitutional right).

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for a certificate of appealability is **DENIED**.

Signed: January 27, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

